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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

December 26, 2003

Ms. Marlene H. Dortch
Secretary of the
Federal Communications Commission
Washington, D.C. 20554

Re: *Ex Parte* Communication
Channel 16 in the New York Metropolitan area
✓ Docket MB 03-159
Docket ET 03-158

Dear Ms. Dortch:

In the Commission's Notice of Proposed Rulemaking in the above dockets, footnotes 21 and 22 refer to letters from the New York Metro Advisory Committee and the Tri-State Radio Planning Committee, Region 8. These letters were presented to the Commission when the proposal to make channel 16 permanent was submitted yet do not appear to have been placed in the docket. On behalf of the Police Department of the City of New York, copies of these letters are submitted so that each may be placed in dockets MB 03-159 and ET 03-158.

Respectfully,

John E. Logan

attachment

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NEW YORK METRO ADVISORY COMMITTEE

Vincent R. Stile, Chairman
30 Yaphank Avenue Yaphank, New York 11980
631-852-6431

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Lt. Neil Walsh
New York Police Department
One Police Plaza – Room 900
New York NY 10038

November 21, 2002

Re: A request for TV Channel 16 To Be Made Permanent For Land Mobile
Use by Public Safety Entities in the New York Metro Area

Dear Lt. Walsh:

For approximately seven years I have served as the chairman of the New York Metro Advisory Committee (NYMAC), which successfully received temporary use of Channel 16 from the Federal Communications Commission (FCC) for land mobile use by public safety agencies in this area. Under FCC Order 95-115, dated March 1995, the allotted frequencies within TV Channel 16 (482-488 MHz) have been put into needed operation by the first responder police agencies of New York City, Nassau and Suffolk Counties, as well as the New York City Emergency Medical Services. The New York City Fire Department, Department of Transportation, Department of Corrections Police, City Park Police and other City agencies are using the spectrum on a lesser scale, as the full and all encompassing city-wide wireless communications network is put into service. These City agencies will then be moved onto the new communications network, which will provide extensive interoperability. The total inclusive financial expenditure up until now has reached approximately \$70 million, and is funded from the New York City, Nassau and Suffolk County taxpayer financial base. NYMAC agencies have expended these significant resources due to the extreme need for the use of this spectrum for public safety communications.

The September 11, 2001 attack emphasizes the need for the frequencies TV Channel 16 provides. A reliable communications infrastructure plays a critical role in the ability of rescue workers to communicate with each other and orchestrate a rescue. The frequencies used in a radio infrastructure reflect the primary public safety communications objective of maintaining the public's safety and officer safety by keeping communication lines open. Under these circumstances, efforts should be made to ensure a long-term commitment by the FCC for public safety to use TV Channel 16. Moreover, TV Channel 16 should not continually be exposed to a range of private interests. A focused and detailed effort is needed to permanently authorize Channel 16 for public safety use.

NYMAC's land mobile use of TV Channel 16 is dependent on no HDTV stations being assigned in the New York metropolitan area, as well as other interests not seeking to obtain access to it. While the FCC has made no assignment, the private sector's zeal for spectrum threatens the substantial investment made in the land mobile use of Channel 16.

These likely encroachments include low power television stations, such as TV Channel 17, which broadcasts to Queens and seeks to increase its power levels to the point of interfering with public safety land mobile Channel 16. Additionally, the FCC, because it is moving broadcasters to digital television (HDTV), which requires reassigning present frequencies, has allowed a number of low power stations to move to locations that will interfere with NYMAC operations. Since there is no other spectrum for NYMAC to move to, it is extremely important, and substantially supported by NYMAC, that the New York City Police Department has initiated and is moving forward the effort to make TV Channel 16 permanent in the New York metropolitan area for land mobile use.

The NYMAC stands ready to assist in this effort and commends the New York City Police Department for this major undertaking.

Respectfully,

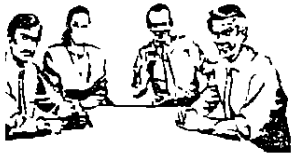

Vincent R. Stile
Chairman, NYMAC

cc: D/Chief John Gillmartin
Mr. John Logan, Esq.

**TRI-STATE RADIO PLANNING COMMITTEE
REGIONAL PLANNING UPDATE COMMITTEE**

FCC - REGION 8

Paul Einreinhofer, Chairman
Bergen County Police Dept.
327 Ridgewood Avenue
Paramus, New Jersey 07652



FCC CT NJ NY

POLICE
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LOCAL GOV'T Lt. Neil Walsh

EMRS
SERS
New York Police Department
One Police Plaza - Room 900
New York NY 10038

November 21, 2002

Re: Radio Frequencies Availability in New York Metro Area

Dear Lt. Walsh:

As Corresponding Secretary for the FCC Region 8 Regional Planning Update Committee (RPUC), and having a broad knowledge and understanding of the spectrum issue for the New York metropolitan area, and with the assured agreement of the RPUC, I can state that there are no available 800 MHz land mobile radio frequencies for wide area or campus-type usage in the New York Metropolitan area.

Also, as the Association of Public Safety Communications Officials, Int. (APCO) local frequency advisor for southern New York State and member of RPUC, I can also state that there are no radio frequencies in any of the allotted public safety radio bands for acceptable usage by public safety entities in this same area.

SENT BY DIRECTION OF THE CHAIRMAN, SGT. PAUL EINREINHOFFER.

Yours truly,

Vincent R. Stile
Corresponding Secretary
FCC Region 8 RPUC

APCO International
Local Advisor
Southern New York State

VRS:ec

cc: D/Chief John Gillmartin
Sgt. Paul Einreinhofer
Mr John Logan, Esq.